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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,627	12/26/2001	Richard Kerr Myerscough	W372 0001	4573

720 7590 08/01/2003

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EXAMINER

PATEL, TAJASH D

ART UNIT	PAPER NUMBER
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3765

DATE MAILED: 08/01/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

N.K.

Office Action Summary	Application No. 10/025,627	Applicant(s) MYERSCOUGH, RICHARD KERR	
	Examiner Tejash D Patel	Art Unit 3765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-11 and 15 is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,7,12 and 14 is/are rejected.
- 7) ☒ Claim(s) 3,6,8 and 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 4-5, 7, 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wrightman (US 5,978,960) in view of Duplock (US 6,415,449). Wrightman discloses a dry suit (10) including a hollow element proof fabric formed in the shape of the body including two arms, two legs, and a torso, col. 2, lines 35- 51 and as shown in figure 2. Further, each of the two legs in the areas of the calf and thigh which includes first and second inwardly extending vertical pleats, col. 3, lines 9-11 and as shown in figure 5. Also, pleats are formed in the two shoulder region when the suit is worn as shown in figures 1 and 2. However, Wrightman does not show first and second elastic waterproof panels covering the first and second pleats and being sealed around the periphery of the suit.

Duplock discloses a dry suit (10) including a hollow element proof fabric formed in the shape of the body including two arms, two legs, and a torso, as shown in figure 1.

Further, each of the two legs in the area of the calf includes first and second seams (43) and as shown in figure 1. Also, first and second panels covering the first and second seams by a rubberized panel/tape that is conventionally waterproof and elastic that is sealed around the periphery of the suit, col. 6, lines 27-50.

It would have been obvious to one skilled in the art at the time the invention was made to provide the first and second pleats of Wrightman with first and second elastic waterproof panels as taught by Duplock, in order to form a water-resistant seal about the respective pleats when the suit is worn.

With regard to claim 14, it would have been obvious to one skilled in the art to reposition the vertical pleats of Wrightman when viewed with Duplock from a front surface to the rear surface, depending on the particular end use of the device.

Allowable Subject Matter

3. Claims 3, 6, 8, and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 3, 6, and 8, are allowable since the prior art does not teach a dry suit including horizontal inwardly extending pleats being formed about the rear waist/torso region, the neck, with the

pleats being covered by elastic panels. Further, claim 13 is allowable since the prior art does not show a dry suit having vertical pleats being located in the back region of the torso that is covered by an elastic panel

4. Claims 9 and its respective dependents are allowable since the prior art does not teach or suggest the recitation therein including a dry suit having first and second horizontal pleats extending inwardly about each of the two legs of the suit in combination with first and second elastic waterproof panels covering the respective first and second pleats.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tejash Patel whose telephone number is (703) 306-9184. The fax phone number for this group is (703) 305-3580.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John Calvert, can be reached on (703) 305-1025.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0861.

Patel/tp
July 24, 2003

A handwritten signature in black ink, appearing to read 'Tejash D Patel', with a long horizontal line extending to the right.

Tejash D Patel
Patent Examiner
Art Unit 3765